



# RECORDS RETENTION SCHEDULE

Department of Law  
OFFICE OF THE ATTORNEY GENERAL

Schedule Date: June 8, 2000  
Change Date: December 8, 2005



Prepared by  
**STATE RECORDS BRANCH**  
Public Records Division  
Kentucky Department for Libraries and Archives

## RECORDS RETENTION SCHEDULE

### Signature Page

Attorney General  
Agency

June 8, 2000  
Schedule Date

Unit

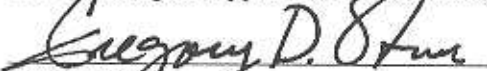
December 8, 2005  
Change Date

December 8, 2005  
Date Approved By Commission

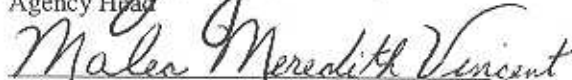
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### APPROVALS

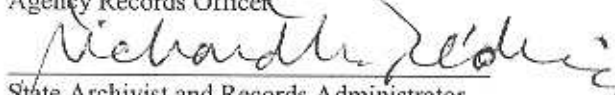
The undersigned approve of the following Records Retention Schedule or Change:

  
Agency Head


11/5/06  
Date of Approval

  
Agency Records Officer

01-05-2006  
Date of Approval

  
State Archivist and Records Administrator  
Director, Public Records Division

12/8/05  
Date of Approval

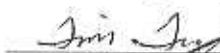
  
Chairman, State Archives and Records Commission

12/08/05  
Date of Approval

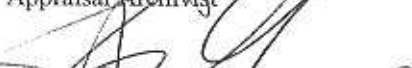
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

  
Records Analyst/Regional Administrator

8 Dec 2005  
Date of Approval


  
Appraisal Archivist

Dec. 8, 2005  
Date of Approval

  
State/Local Records Branch Manager

8 Dec 06  
Date of Approval

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The determination as set forth meets with my approval.

  
Auditor of Public Accounts

12/8/05  
Date of Approval

**Department of Law  
Office of the Attorney General**

The elective office of Attorney General is established by the Constitution of Kentucky. Sections 91 and 93 of the Constitution provide that the duties of the Attorney General, as well as other constitutional officers, shall be prescribed by law. Other sections of the Constitution that pertain to the Attorney General include Section 94 (petition to have Governor declared disabled); Section 87 (service as acting Governor); Section 92 (qualifications); Section 95 (time of election); and Section 96 (compensation).

KRS Chapter 15 provides with specificity the duties of the Attorney General and the functions of the Department of Law. KRS 15.020 establishes the following duties:

- Act as the chief law officer of the Commonwealth, and the agencies and political subdivisions thereof;
- Act as the legal adviser of all state officers and governmental agencies and furnish opinions upon request pertaining to their official duties;
- Prepare drafts of written instruments for public use;
- Exercise all common law duties of the Office of the Attorney General as may be modified by statutory law;
- Appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals of interest to the Commonwealth, and commence all actions or enter his appearance in all cases, hearings and proceedings in and before all other courts, tribunals, or commissions in or out of state; and
- Attend to all litigation and legal business in or out of state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the commonwealth's attorney or county attorney to represent the Commonwealth.

The Department is comprised of the following:

**Civil and Environmental Law** - this division acts as counsel to the Commonwealth's boards and agencies, prepares Attorney General's Opinions, responds to Open Records requests and represents state officials, elected prosecutors and the judiciary in legal proceedings.

**Criminal Appellate** - this division represents the citizens of Kentucky and the victims of crime in all criminal appeals and other post-conviction proceedings in state and federal courts. It advises elected prosecutors on legal issues, assists in prosecutor training, reviews the merits of appeals or requests for certification.

**Consumer Protection** - this division enforces the provisions of the Consumer Protection Act (KRS 367.110 - .300) that prohibits unfair, false, misleading and deceptive business acts or practices. It investigates consumer matters, mediates consumer complaints, promotes consumer education, serves as staff to the Governor's Consumer Advisory Council, and operates the Cemeteries and Funeral Homes Program (KRS 367.932 - .991).

**Special Investigations** - this division investigates certain specialized, primarily white-collar, criminal activity. The Welfare Fraud sections investigate fraud in the Food Stamp, Aid for Families with Dependent Children, and Medical Assistance programs. The Investigation/Enforcement section investigates illegal drug transactions, with special emphasis on the illegal diversion of legally manufactured drugs. This section also is responsible for investigating election law violations, under the provisions of the 1988 election reform legislation.

**Special Prosecutions** - this division prosecutes criminal cases pursuant to KRS 15.190 - .240 and KRS 15.715. It assists local prosecutors in complex or sensitive cases, handles cases in which the local prosecutor disqualifies himself, and prosecutes thefts from the Commonwealth by employees or elected officials. It also prosecutes elections law violations, under the 1988 election reform act.

**Rate Intervention** - this office operates under the authority of KRS 367.150 (8) and is the only state government entity charged solely with the protection of consumers' interests before ratemaking bodies, such as the Public Service Commission. It also can intervene in health insurance rate hearings (KRS 367.160 (3)).

**Victims' Advocacy** - this division operates the Victims' Advocacy program and provides support services to every victim of crime whose case is handled by the Attorney General's Office. It assists local prosecutors who wish to establish victims' programs, provides staff support to the Child Sexual Abuse and Exploitation Board and to the Victims' Trust Fund. It also provides external monitoring services to the Children's Residential Services program in the Cabinet for Families and Children.

**Medicaid Fraud and Abuse Control** - this division investigates and prosecutes cases of Medicaid provider fraud. It also investigates and refers for prosecution, or prosecutes, cases of abuse, exploitation and neglect of elderly persons.

**Administrative Hearings** - this division employs a pool of hearing officers for assignment to individual agencies, at their request, for conduct of administrative hearings. It also provides training for hearing officers and establishes a clearinghouse for complaints about the administrative hearing process.

**Child Support Enforcement** - this commission makes recommendations related to administrative procedures, prosecution, judicial procedures, legislation, and other matters pertaining to the state's child support enforcement program.

STATE ARCHIVES AND RECORDS COMMISSION  
Public Records Division  
Kentucky Department for Libraries and Archives

Schedule Date: June 08, 2000

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Law  
Attorney General

Series	Records Title		Contents	Retention		
	and Description	Function and Use		Disposition Instruction		
04380	State Lobbying Registration Form File Closed Date: 8/1/1993	Closed Series: This series documented the individuals acting as lobbyist for any session of the General Assembly. A lobbyist was employed as a legislative agent or legislative counsel to promote, oppose or act in reference to any legislation which affected private pecuniary interests, separate from those of the citizens as a whole. A lobbyist registered at the beginning of the legislative session, before undertaking any activities as a lobbyist, and filed with the Attorney General a written authorization to act as a lobbyist, signed by his employer. Within thirty days after the adjournment of the General Assembly, a detailed statement was filed with the Attorney General identifying all expenses paid or incurred by the lobbyist. If a lobbyist failed to provide these required documents, his name was submitted to the Commonwealth's Attorney of Franklin County for possible prosecution. These requirements were according to KRS 6.250-320, and 6.990. The responsibility of lobbyist registration is no longer with the Attorney General, but with the Legislative Ethics Commission, due to legislation enacted by the General Assembly in February, 1993.	Series contains: Name; address; social security number; birth date; any previous employment with the Commonwealth in the last year? where?; employer of lobbyist; address; occupation; employment date; legislative subjects represented; lobbyist's signature; employer's authorization of lobbyist; signature; notary signature. Statement of Expenses--period covered by employment; expenses paid for salary, room, meals, transportation, postage, stationery, supplies, telephone, other--total; certification of statement by president or treasurer of corporation; notary signature; related correspondence	Agency: 0	Records Center:	Archives Center: P
				Retain in the State Archives Center		



# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05449	Distribution of Open Records/Meetings Information File	This series encompasses materials involved under the terms of House Bill 77, enacted by the 2005 General Assembly. Under the bill, the Office of the Attorney General is directed to prepare and distribute to a wide variety of public officials written information that explains the procedural and substantive provisions of the Open Meetings Act (KRS 61.805-.850) and the Open Records Act (KRS 61.870-.884), together with information prepared by the Department for Libraries and Archives that explains the proper retention and management of public records. Specifically, the materials are to be distributed by the KYOAG to county judge/executives, mayors, county attorneys, city attorneys, superintendents of public school districts, and presidents of state postsecondary institutions. Certain of those officials are required, according to their specific responsibilities, to further distribute this same information to various other officials, to secure signatory proof that those individuals have received this information, and to certify to the Office of the Attorney General that the information has been distributed as required. This series includes the Certificate of Distribution of Written Documentation and the materials distributed by the Office of the Attorney General pertaining to the Open Records Act, Open Meetings Acts and proper retention and management of public records. The certificate is designed to satisfy the requirement that individuals identified as responsible for further distributing the information received from the Office of the Attorney General provide signatory proof that the information has been distributed as required. Materials are to be amended and redistributed whenever there is a change in the Open Records or Open Meetings Law.	Certificate of Distribution of Written Documentation includes: Explanation of the form's purpose; statement of certification of distribution; signature, name and position of official; name, address, phone number and e-mail address of the agency.	Agency: I	Records Center:	Archives Center:
				Maintain one copy of all distributed Open-Records-, Open-Meetings-, and records-retention-and-management-related-materials permanently. Destroy Certificates of Distribution of Written Documentation upon receipt of signed certificate from official receiving the most recently distributed materials.		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Administrative Hearings

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04272	Hearing Officer File (C) KRS 61.878 (1) and KRS 13B.090(3) Change Date: 12/8/2005 (V)	This series documents the findings of the hearing officer upon determination of the testimony and evidence presented in a case. The hearing officer is an attorney, employed in the Attorney General's Office, who serves as a judge on administrative actions. The file contains correspondence concerning the case against an agency and memoranda to the client agency/employee and licensee, and the recommendation of the hearing officer. A party may appeal the agency's final order to circuit court, within thirty days of the final order. The Hearing Officer may exclude a record from inspection (KRS 61.878) and place it under seal pursuant to KRS 13B.090 (3).	Series contains: Correspondence; pleadings; investigative report; recommendation(s) of the hearing officer, and final order of the agency/board.	Agency: 1	Records Center: 4	Archives Center:
				Transfer to the State Records Center one year after closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Child Support Enforcement Commission

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04321	Child Support Client File (C) KRS 61.878 (1) (a)	This series documents the communication of the office with clients seeking assistance in obtaining child support. The Child Support Enforcement Commission was established to address issues related to the child support programs of the state that are administrative or judicial (KRS 15.290). Typically, for assistance in obtaining child support payments, a client is referred to the Cabinet for Families and Children, Child Support Enforcement. Commission staff serve as a means of support to the client. The Commission assists clients in obtaining support payments by writing a letter or making a phone call to the county attorney within the client's jurisdiction. It is up to the client to call again if further follow up is required.	Series contains: Correspondence; notes	Agency: I	Records Center: 2	Archives Center:
				Transfer to the State Records Center three years after the last date of service		



# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Civil and Environmental Law

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04592	Litigation Payout File - (Lump Sum Payments) - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760 (5). The Fund, effective December 1987, and authorized by the Labor Cabinet, was established for the payment of compensation when there has been a default in the payment of an award for injury, due to the failure of an employer to secure payment for compensation. The series documents the lump sum payouts - those paid out at one time. The determination of a payout over time or a lump sum payout is made by the Administrative Law Judge assigned to the case.	Series may include: Investigative materials; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; orders to pay; attorney fee scheduling orders	Agency: I	Records Center: 8	Archives Center:
04593	Litigation Payout File - (Payments) - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760 (5). The Fund, effective December 1987, and authorized by the Labor Cabinet, was established for the payment of compensation when there has been a default in the payment of an award for injury due to the failure of an employer to secure payment for compensation. This series documents the payouts made over a period of time. The length of payout and amount is determined by the Administrative Law Judge assigned to the case.	Series may include: Investigative materials; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; orders to pay; attorney fee scheduling orders	Agency: I	Records Center: 8	Archives Center:
04594	Collection File - Voluntarily Paid - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	This series documents the attempts by the Division to collect money from uninsured employers, against whom judgments have been rendered. The Collection Attorney may or may not decide to re-coup the costs from the uninsured employer. The decision is based on the chances of collecting the money, and the amount of the outstanding debt. In most circumstances, a judgment lien is filed by the Labor Cabinet, prior to the case being turned over to the Division. This file represents the cases where the uninsured employer has voluntarily paid the debt, avoiding litigation.	Series may include: Summons; complaint; certified copy of order to pay; correspondence; investigative records (notes); certificate of lien; lien release; judgments; garnishments	Agency: I	Records Center: 8	Archives Center:
04595	Collection File - Not Voluntarily Paid - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	This series documents the attempts by the Division to collect money from uninsured employers, against whom judgments have been rendered. The Collection Attorney may or may not decide to re-coup the costs from the uninsured employer. The decision is determined by the amount of the judgment, the chances of collecting, whether or not bankruptcy has been filed, etc. These cases, since not voluntarily paid, will probably result in some form of litigation. In most circumstances, a judgment lien will be filed by the Labor Cabinet, prior to the case being turned over to the Division.	Series may include: Summons; complaint; certified copy of order to pay; correspondence; investigative records (notes); certificate of lien; lien release; judgments; garnishments	Agency: I	Records Center: 8	Archives Center:

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Civil and Environmental Law

Series	Records Title and Description	Function and Use	Contents	Retention		
				Disposition Instruction		
03400	Litigation File - Dismissed - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund (UEF), as required in KRS 342.760 (5). The Fund was established for the payment of compensation when there has been a default in the payment of an award for injury due to the failure of an employer to secure payment of compensation. This series documents those cases where the employer has agreed to pay the amount of the judgment. When this occurs, the case is dismissed. All judgment liens, if any, would be released at this time.	Series may include: Investigative material; depositions; medical reports; hearings; notices; photographs; charts; drawings; responses; legal research; bankruptcy papers; correspondence; liens; lien releases	Agency: I	Records Center: 4	Archives Center:
				Transfer to the State Records Center one year after case closure. Destroy after audit		
03421	Uninsured Employers' Log Record of Case (C) KRS 61.878 (1) (a)	This series records incoming and outgoing legal documents and transactions and the dates they were received or sent out. It reflects name of the plaintiff, the case number or claim number, and the attorney assigned to the case. Information from the series is used to verify if documents have been received and when. It distinguishes between an open or closed case, or the status of a case. Reference is on both active and closed cases.	Series contains: Name of case/plaintiff; name of attorney; dates of activity and transactions (hearings, mail received, mail out)	Agency: P	Records Center:	Archives Center:
				Retain in agency		
04269	Attorney General Opinion File (V)	This series documents a request and a formal opinion of the Attorney General's Office, in regard to questions of law by public officials in the scope of their official duties, or when a question or issue is of such public interest that an opinion is deemed desirable. As required in KRS 15.025, it is the responsibility of the Attorney General, when requested in writing, to furnish the opinion(s). With the exception of open records and open meetings decisions (04270), opinions do not carry the force of law. They do, however, carry persuasive authority with the courts.	Series contains: Letter of request; Opinion	Agency: P	Records Center:	Archives Center:
				Retain in agency		
04270	Open Records/Open Meetings Decision File (V)	This series documents decisions of the Attorney General regarding open records and open meetings issues. A requester may appeal to the Attorney General's Office for a review of a state or local government agency's actions when requests to inspect public records are denied. The Attorney General reviews the appeals and issues a decision stating whether the agencies violated Kentucky's Open Records Act (KRS 61.870-884). KRS 61.805-850 establishes the public's right of access to public meetings. The act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action taken must be public meetings. Public meetings must be open to the public at all times, unless the subject of the meeting falls within one or more of the twelve exceptions found in statute. If a person believes that a public agency has violated the act, he can appeal to the Attorney General for a review of the agency's action. Both the complaining party (open meetings) and the requester (open records) can appeal the decisions in circuit court. The Attorney General may not be named as a party in such actions. The decisions carry the force of law, unlike other opinions issued by the Attorney General.	Series contains: Letter of appeal; decision; response from the agency	Agency: P	Records Center:	Archives Center:
				Retain in agency		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Civil and Environmental Law

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04271	Card File to Opinions/Decisions (V)	This series serves as a finding aid to the opinions and decisions rendered by the Attorney General's Office. The cards are organized by subject, statute, or by the name of the requester. The file guides attorneys to the existing opinions or decisions for incoming requests.	Series contains: Statute; syllabus of opinion; requestor's name; author of opinion; subject headings; opinion/decision number	Agency: P	Records Center:	Archives Center:
				Retain in agency		
03334	Civil Litigation Case File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents an attorney's working file for an ongoing case. The Division initiates court actions on behalf of the Commonwealth, or a particular agency, against a party. A party may sue the Commonwealth, an agency or an employee and the Division will defend the case. All cases involve civil matters, that is, civil rights, contracts, elections matters, etc. After a case is closed, there is little, if any, activity against the series, unless an appeal is filed.	Series contains: Pleadings; correspondence; research subpoenas; court orders; evidence; attorney work product; preliminary recommendations to client	Agency: I	Records Center: 7	Archives Center:
				Transfer to the State Records Center one year after case closure		
03335	Beverly Hills Supper Club Litigation File Closed Date: 12/31/1988	Closed Series: This series documented the numerous claims filed against state agencies on behalf of individuals (and estates of individuals) injured or killed as a result of the Beverly Hills Supper Club fire, in May 1978. Since the cases contained common issues, they were litigated as a single group versus being litigated on an individual, case by case basis through the Board of Claims. The basis for many of the claims was negligence by the state in the inspection of the facility, its electrical systems, fire codes, etc. All the cases were eventually settled. As a result of the fire, many of the state's laws and regulations regarding building codes and inspections were strengthened. Information from the series is of significant public interest.	Series contains: Pleadings; orders and opinions of the Board of Claims; exhibits; affidavits; motions; and related correspondence	Agency: 0	Records Center:	Archives Center: P
				Retain in the State Archives Center		
04345	Civil Case File - Permanent - (Cases of historical significance, high profile, defense of public officials, agencies, changes in law) (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents those special and/or historically significant civil cases that need to be retained permanently. These are cases involving the defense of public officials or agencies, or cases in which laws are interpreted, clarified, or ruled unconstitutional. The case file is the same as the Civil Litigation File (03334), except this series is determined to identify cases that are unique, exceptional, or high profile for one reason or another. An example of a high profile case is the one involving the Kentucky-Ohio River Boundary disputes with Indiana and Illinois.	Series contains: Attorney work product; preliminary recommendations to client (Confidential); pleadings; filings; research; court orders; correspondence	Agency: I	Records Center:	Archives Center: P
				Transfer to the State Archives Center five years after case closure		
04346	Docket Books - (1971-1979) Closed Date: 1/1/1980	Closed series - This series documented the case activities of the Civil Division for the years noted, and prior to the automating of the information. The books reflect the dates of filings (motions, orders, briefs, appeals), the court where the case was filed, the attorney responsible for the case, and the disposition of the case. The docket is now maintained electronically.	Series contains: Name of case; court; date of filings; nature of filings; name of attorney representing the Attorney General's Office	Agency: 0	Records Center:	Archives Center: P
				Retain in the State Archives Center		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Civil and Environmental Law

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05435	Final Payment Files of Workers' Claims Benefits (C) KRS 61.878 (1)(a)	This series documents the proceedings brought by the Division to enforce claims against or on behalf of the Uninsured Employers' Fund, as required in KRS 342.760(5). The Uninsured Employer's Fund, effective in 1987, is authorized by the Labor Cabinet to disburse moneys only upon written order of an Administrative Law Judge. The Worker's Compensation Claims (W/C) files are created when the Administrative Law Judge assigned the case orders the Uninsured Employers' Fund (UEF) to make a payment on a claim. This series documents the payouts made over a period of time or in lump sum. All payments and supporting documents for the payments are kept in the file. This includes both income and medical payments.	The series may include: Complaints, Investigative Reports, depositions, hearings, notices, photographs, charts, responses, legal research, orders directing payment; medical invoices paid; medical records; Form 101, Designated Physician Form; and Correspondence on claim	Agency: I	Records Center: 8	Archives Center:
				Transfer to State Records 2 years after closure. Destroy after audit.		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04971	Business Opportunity Exemption File	This series documents business opportunity exemption filings and that all requirements have been met, as specified in KRS 367.807. An offeror is exempt from registration when the offeror 1) meets the definition of a franchise; 2) offers a security pursuant to KRS 292.313; 3) offers an ongoing business for sale; or 4) offers a non-profit sale of sales demonstration equipment, materials, or samples, for use in making sales and not for resale, for a total price of \$500 or less. An offeror is a person who is engaged in the business of selling business opportunities, including any subsidiary business which affiliates with the offeror for goods or services or locations.	Series contains: Affidavit of exemption; business opportunity determination form; complaints, if applicable; uniform franchise offering circular; advertising/sales literature; and related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center one year after the determination of exemption status		
04972	Business Opportunity Registration File	This series documents the registration of business opportunities, as required in KRS 367.805. The Attorney General has the responsibility to ensure that companies offering business opportunities comply with all regulatory laws. Business opportunity means the sale or lease, or offer to sell or lease, of any products, equipment, supplies or services for the purpose of enabling the consumer investor to start a business. An offeror is a person who is engaged in the business of selling business opportunities, including any subsidiary business which affiliates with the offeror for goods or services or locations. If the Attorney General has reason to believe that any person offering business opportunities for sale is in violation of the law, he may obtain a restraining order or temporary or permanent injunction to prohibit the offer. Action may be brought in the circuit court in the county in which the person resides or has his principal place of business, or in the circuit court of the county in which the unlawful offer or sale has been or is about to be committed.	Series contains: Business opportunity determination form; advertising/sales literature; complaints, if applicable; annual registration statement; copy of business opportunity bond; copy of check for registration fee; consent for service; audited financial statements; contracts; training materials; related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center five years after date of last registration. Destroy after audit		
04980	Health Spa Closure File	This series documents the action taken by the Attorney General to make a claim against the bond executed by a health spa that has closed to obtain refunds for any members who are entitled to them. The Attorney General has the responsibility to ensure that health spas operating in Kentucky are in compliance with the requirements of KRS 367.900-930. A health spa is an establishment that provides for profit, as one of its primary purposes, services or facilities which purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building.	Series contains: Member contracts; member proof of payment; undeliverable envelopes; refund list; member list; copy of bond; copy of check from bond company; and related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center three years after disbursement of refunds		
04981	Health Spa Registration File	This series documents the registration of health spas, as required in KRS 367.905. The Attorney General has the responsibility of ensuring that health spas operating in Kentucky are in compliance with the requirements of KRS 367.900-930. A health spa is an establishment that provides for profit, as one of its primary purposes, services or facilities which purpose to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building.	Series contains: Health spa annual registration statement; copy of check for registration fee; affidavit of health spa's exemption from bonding, if applicable; copy of health spa bond, if applicable; articles of incorporation; contract; complaints, if applicable; and related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center three years after the date of last registration. Destroy after audit		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04982	Health Spa Exemption File	This series documents the health spas that are exempt from registration with the Attorney General's Office, as provided for in KRS 367.900-930. The health spas that are exempt from registration are those that have a non-profit status.	Series contains: Complaints, if applicable; letter of non-profit status; related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center one year after the date of the exemption determination		
04983	Transient Merchant File	This series documents compliance with the terms of KRS 365.650-690, regarding temporary or transient business conducted by out of state (transient) merchants in Kentucky. As provided for in KRS 365.690, the Attorney General may enforce the provisions of the above statutes by civil action. Temporary or transient business means any business conducted for the sale or offer for sale of goods, wares or merchandise that is carried on in any building, structure, motor vehicle or real estate in one locality, for a period of less than six months in each year. Permits to conduct business are with the County Clerk in the county in which the business is to be transacted. The application for the permit is designed and distributed to counties by the Revenue Cabinet.	Series contains: Transient merchant permit; copies of bonds; copies of certificate of security; and related correspondence	Agency: I	Records Center: 1	Archives Center:
				Transfer to the State Records Center one year after denial of permit, or bond expiration		
04984	Fundraising Consultant Registration File	This series documents the registration of fundraising consultants with the Attorney General's Office, as required in KRS 367.652. A fundraising consultant is a person who for compensation plans, manages, advises, consults or develops materials for or with respect to the solicitation for any charitable organization.	Series contains: Copies of complaints, if applicable; copy of bond; consent for service; copy of check for registration fee; registration statement; campaign reports; contracts; and related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center three years after date of last registration. Destroy after audit		
04985	Telemarketing Merchant Registration File	This series documents the registration by the Attorney General of telemarketing merchants doing business in Kentucky, as required in KRS 367.46951-46999. The registration/filing must be at least ten days prior to doing business in Kentucky. The Attorney General has the responsibility to ensure compliance with applicable laws and regulations, and to pursue legal action, if warranted.	Series contains: Registration form; scripts; videotapes; copy of bond; copy of registration fee check; consent for service; advertising circulars; brochures; complaints, if applicable; and related correspondence	Agency: I	Records Center: 2	Archives Center:
				Transfer to the State Records Center two years after date of last registration. Destroy after audit		
04986	Telemarketing Exemption File	This series documents the telemarketing merchants who are exempt from registration under the terms of KRS 367.46951 (2). The types of exemptions include, but are not limited to: 1) telephone calls made in response to an express request of an individual; 2) telephone calls made primarily in connection with the payment or performance of an existing debt; 3) telephone calls made to solicit the sale of subscriptions to newspapers, magazines, or cable television service; and 4) telephone calls made to solicit the sale of contracts for the maintenance or repair of items previously purchased from the person making the solicitation.	Series contains: Affidavit of exemption; brochures; circulars; videotapes; complaints, if applicable; and related correspondence	Agency: I	Records Center: 3	Archives Center:
				Transfer to the State Records Center one year after determination of exempt status		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Series	Records Title and Description	Function and Use	Contents	Retention		
				Disposition Instruction		
04987	No Telephone Solicitation Call List	This series documents the placement of consumers on a "no telephone solicitation list," as provided for in 40 KAR 2:075. In response to a request from a consumer, the requester receives a packet of information from the Division which specifies the procedures to be followed for placement on the list. The series is maintained by the Division and is used in the event of complaints received from the consumer whose name appears on the list. Removal from the list is by notification from the consumer.	Series contains: Name, address, city, county and zip code number of the consumer; number of each telephone to which the request applies; telephone of requester; and signature of the requester	Agency: I	Records Center:	Archives Center:  Destroy consumer's card one year after removal from the "no call" list
04988	Professional Solicitor Registration File	This series documents the registration of professional solicitors with the Attorney General's Office, as required in KRS 367.652. A professional solicitor is a person who for compensation or other financial consideration solicits contributions in the state, directly or indirectly, for or on behalf of a charitable organization.	Series contains: Copies of complaints; copy of bond; consent for service; copy of check for registration fee; registration statement; campaign reports; contracts; and related correspondence	Agency: I	Records Center: 3	Archives Center:  Transfer to the State Records Center three years after the date of last registration
04989	Recreation and Retirement Use Land Sales Registration File	This series documents the registration of offerors of land sales for recreation and retirement use, as required in KRS 367.478. Recreational and retirement use land means that land which is sold and promoted with primary emphasis on the land's value for recreational or retirement purposes. The registration number assigned to each applicant must appear in any advertising engaged in by the registrant to promote recreational and retirement use land sales in Kentucky. The Attorney General is responsible for ensuring compliance with all applicable laws and regulations. If violations are found, the Attorney General may ask for a restraining order or temporary injunction to prohibit the offer. Action can be brought in the circuit court in which the individual resides or has his principal place of business, or in the circuit court of the county in which the unlawful offer or sale has been or is about to be committed, or in the county in which the land is situated.	Series contains: Registration statements; circulars; public offering statements; booklets, copies of bonds; and related correspondence	Agency: I	Records Center: 2	Archives Center:  Transfer to the State Records Center one year after denial of registration or release of bond, whichever is later. Destroy after audit
04990	Federal Form 990 File - (Documents the filing by charitable organizations of Federal Form 990)	This series documents the filing by charitable organizations of a copy of Federal form 990 with the Attorney General's Office, as required in KRS 367.657. Prior to any solicitation, every charitable organization required by the Internal Revenue Service (IRS) to file a Federal form 990 and soliciting contributions in the Commonwealth, or for which contributions are solicited, must file a copy of its most recent form 990 with the Attorney General, unless exempted by KRS 367.660. If a charitable organization is newly formed and a form 990 has not yet been filed with the IRS, a notice of intent to solicit must be filed with the Attorney General prior to any solicitation. Exemptions include, but are limited to: 1) solicitations by an organization for contributions from its members and their families; 2) solicitations by a religious organization for funds for religious purposes; 3) solicitations by a publicly-owned or nonprofit privately-endowed educational institution; and 4) local solicitations by a student group or parent-teacher association for its campus or group connected activities.	Series contains: Federal form 990; notice of intent to solicit; related correspondence	Agency: I	Records Center: 3	Archives Center:  Transfer to the State Records Center two years after date of filing



# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04168	Federal Charitable Trust (Treated as a Private Foundation) Return File - (Internal Revenue Service Form 990-PF)	This series documents the financial returns filed by Charitable Trusts, treated as Private Foundations, as required by the Internal Revenue Service (IRS). The foundations are classified by the IRS as non-profit organizations. One example is the Klempner Foundation, Inc., located in Louisville, Kentucky. The IRS requires the foundations to file copies of returns with the Attorney General's Office, pursuant to IRS Code 501C-3, for the purpose of making them available for inspection by the public.	The Attorney General's Office provides the following information: Name of organization; address; fair market value of assets; contributions, gifts, grants paid; total assets; name/address of officers, directors, trustees, foundation managers; list of contributors; notice of availability of report	Agency: 2	Records Center: 3	Archives Center:
				Transfer to the State Records Center		
04164	Complaint File (V)	This series documents the complaints filed by consumers with the Division's Mediation Branch. A written complaint is received and assigned to a mediator. The mediator makes contact with the company concerning the complaint and provides it with an opportunity to respond. The Branch has the responsibility to try and resolve the issues between the consumer and the business. If the mediator is unable to resolve the complaint, an investigation file (04166) is initiated and action taken as necessary.	Series contains: Letter of complaint and related correspondence	Agency: 1	Records Center: 4	Archives Center:
				Transfer to the State Records Center one year after case closure		
04166	Investigation File (C) KRS 61.878 (1)(h) (V)	This series documents an investigation against a company in which no legal action is taken. The file is created when a written complaint (04164) cannot be resolved, or a notification is received from the media or other outside source of possible violations that warrant investigation. If violations are founded, an Assurance for Voluntary Compliance is signed, which designates compliance by the company as charged by the Division. The compliance document is filed with the court system and is used in lieu of litigation. Probationary reports may or may not be required from a company or business. If litigation is required, the information from this series is transferred to the Litigation File - 04167.	Series contains: Investigator's notes; documentation of complaint; affidavit; correspondence; Assurance of Voluntary Compliance (duplicate)	Agency: 1	Records Center: 4	Archives Center:
				Transfer to the State Records Center one year after case closure		
04167	Litigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents consumer complaints which result in litigation and represents the working file of the attorney representing the case. Cases arise through both the agency and court means. The Attorney General's Office may initiate an action on behalf of the Commonwealth. All cases involve unfair, false, misleading, or deceptive practices of a company or business. The agency's primary goal is to put an end to such practices and to seek the necessary civil penalties required by law. Although the Attorney General may seek restitution for harmed parties, private citizens can pursue recourse through their own means. As provided for in KRS 367.220, individuals must bring action within one year after any action of the Attorney General has been terminated or within two years after the violation, whichever is later.	Series contains: Pleadings; motions; briefs; correspondence; investigative and research notes; subpoenas; evidence; final judgment	Agency: 1	Records Center: 7	Archives Center:
				Transfer to the State Records Center one year after case closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Series	Records Title and Description	Function and Use	Contents	Retention		
				Disposition Instruction		
04169	Anti-Trust Litigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents the legal activities of anti-trust cases involving the Attorney General's Office. The files reflect the liability of the defendants (i.e., restraints of trade), amounts of damages and losses to the consuming public from wrongful acts or unfair practices of companies, and the dispersal of money to victims. The cases usually involve more than one state, and average a five-year period of time from the creation of a file until closure. The file is initiated by an investigation of allegations of anti-trust activities. One individual, or a group of individuals, may bring the case to the attention of the Attorney General. The state's Attorney General is normally the agent through which anti-trust cases are pursued, because of resources and communication with other states that are involved. An investigation will clarify which state Attorney General will lead the case, and will define the role and involvement of other state Attorneys General. The lead Attorney General will generate the largest files. Copies of pleadings are distributed to the necessary state(s) with the other required documentation. The cases are litigated in federal district courts.	Series contains: Pleadings; correspondence; internal memoranda; media releases; investigative material	Agency: I	Records Center:	Archives Center: P
				Transfer to the State Archives Center one year after case closure		
04175	Index to Consumer Protection Litigation Files - (Includes case number, name of attorney, court, closure date, case disposition)	This series documents the identification of litigation files and the key factors involved with them. It serves as permanent documentation of case activities, and the Division's efforts to protect consumers from unfair business practices.	Series contains: Case name; file number; court identification; attorney of record; dates of pleadings; motions filed; disposition of case; date closed	Agency: P	Records Center:	Archives Center:
				Retain in agency		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04170	Pre-Need Seller History File - (Documents the licensing of funeral homes, including those that provide pre-need services/contracts) (C) KRS 367.940 (6) (Annual Report only) (V)	This series documents the licensing of funeral homes, including those that provide pre-need services/contracts. Under the terms of KRS 367.932-.974, the Attorney General has the responsibility to see that funeral homes comply with all pre-need sale and licensing laws. A "pre-need burial contract" means a contract for the furnishing and/or performing of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person whose body is to be disposed of. It does not mean the furnishing of a cemetery lot or mausoleum. Pre-need burial contracts include the pre-need sale of caskets, vaults, or other funeral merchandise, and the pre-need sale of opening and closing of the grave. There is a one-time registration fee of \$50 that is non-transferable upon the sale of a funeral home. Any person selling a pre-need burial contract is required to place 100% of the purchase money received into a trust fund with a financial institution within thirty days of receipt. The financial institution is then the trustee of the funds. Every business is required to file an annual report on a form provided by the Office. The Attorney General may examine the records of the business to determine compliance with the law. If a discrepancy is found, the Attorney General may hire an independent auditor to conduct a complete audit. NOTE: The average life of a pre-need contract is 7.5 years.	Series contains: Correspondence; audits; annual report of funeral home; application for license; updated information; complaints, if applicable	Agency: 8	Records Center: 2	Archives Center:
Transfer to the State Records Center						
04171	Cemetery History File - (Documents that all persons or companies that own cemetery property and that are engaged in the sale of pre-need cemetery contracts/services are in compliance with applicable laws) (C) KRS 367.940 (6) (Annual Report only) (V)	This series documents that all persons or companies that own cemetery property and that are engaged in the sale of pre-need cemetery merchandise contracts/services are in compliance with all pre-need sales and licensing laws, as required in KRS 367.932-.974. A cemetery company includes any person who conducts a business for the purpose of a burial park for earth interment, a mausoleum for entombment, or a columbarium for inurnment. It includes religious, municipal, and fraternal burial associations. Small community cemeteries are exempt if they: 1) operate non-profit; 2) have no salaried employees other than caretakers; 3) are owned and controlled by lot owners; and 4) do not sell any pre-need merchandise or services. Exempted cemeteries are not required by law to be licensed, but are required to register with the Attorney General's Office to certify an exemption number. Non-exempt cemeteries are classified as: 1) professional cemeteries/groups; 2) municipal/city owned; or 3) "John Doe's" Cemetery (operating for-profit). Family plots are non-exempt. Cemeteries establish trust funds much like funeral homes for services/contracts. The financial institution is the trustee of these funds. Every cemetery company and every person required to register under this law is also required to file an annual report with the Office. They are required by law to maintain adequate records to include the equivalent of a cash receipts journal, cash disbursement journal, a reconciliation done at least every twelve months and documentation files containing the sale contracts.	Series contains: Correspondence; annual reports; audits; affidavit of exemption, if applicable; registration form	Agency: 8	Records Center: 2	Archives Center:
Transfer to the State Records Center						

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Consumer Protection

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04172	Pre-Need Sales Receipt File	This series documents the sale of a pre-need burial contract. KRS 367.940 (3) requires that any person selling pre-need burial contracts must collect from each purchaser a service charge of \$5.00 made payable to the Attorney General's Office, for the purpose of administering KRS 367.932 to 367.991.	Series contains: Amount of fee; purchaser name; amount, date of contract; type of contract; seller information (name, address, signature)	Agency: 2	Records Center: 1	Archives Center:
				Transfer to the State Records Center. Destroy after audit		
04991	Notice of Private Lawsuit File	This series documents court records related to private lawsuits filed under the Consumer Protection Act. KRS 367.220 (2) requires that the clerk of the court forward copies of complaints, pleadings, judgments and decrees to the Attorney General. The documents are maintained in the event of further litigation or inquiries from consumers. Any person who purchases or leases goods or services primarily for personal, family or household purposes and who suffers loss of money or property resulting from unfair, misleading or deceptive acts by the merchant or seller may file action under the Rules of Civil Procedure in the Circuit Court.	Series contains: Plaintiff name; defendant name; date received; copies of documents filed with the courts	Agency: 2	Records Center:	Archives Center:
				Destroy		
04992	Bankruptcy Notice File	This series documents bankruptcy filing notices, copies of which are required to be sent to the Attorney General. It is used in the event of further litigation in which the Attorney General would have a role, and to respond to inquiries from consumers.	Series contains: name of plaintiff; name of defendant; date received; notices	Agency: 2	Records Center:	Archives Center:
				Destroy		
05011	Request for Conviction Record - (Background check for professional solicitors and fundraising consultants) Change Date: 6/14/2001	This series documents the background checks on professional solicitors and fundraising consultants. An Individual cannot act in the capacity of a professional solicitor or fundraising consultant if he has been convicted by a court of any state, or the United States, of a felony or misdemeanor involving moral turpitude or arising from his conduct as a solicitor or consultant for a charitable organization or purpose (see KRS 367.652 (8)).	Series contains: Background check form	Agency: 1	Records Center: 4	Archives Center:
				Transfer to the State Records Center one year after background check has been performed		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Criminal Appellate

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
03292	Criminal Appellate Case File (C) KRS 61.878 (1)(h)(i)(j)	This series documents an attorney's working file, for use in appeals. It contains information documenting state court appeals, federal habeas corpus actions (bringing a party before a federal court or judge) and appeals, and United States Supreme Court certiorari petitions. Certiorari is an appellate proceeding for re-examination of the action of an inferior court to enable the appellate court to obtain additional information in the pending issue. The series is used to write briefs in the event a federal habeas corpus is filed by the defendant. Although there is no statute of limitation for the filing of such action, it generally occurs within five to eight years after the case is final. Since the original trial record is often hard to obtain, the Division must rely on the files it has compiled.	Series contains: Appellate brief; appellee brief; court opinions; legal proceedings; motions; orders; assignment sheets; copies of original record of trial; attorney notes; related correspondence	Agency: 1	Records Center: 8	Archives Center:
				Transfer to the State Records Center four years after case closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Medicaid Fraud and Abuse Control

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
03293	Medicaid Fraud Investigative/Litigation File (C) KRS 61.878 (1)(h)(i)(j); Title V, USC (V)	This series documents the criminal prosecution of medicaid fraud by the Attorney General's Office, based on complaints filed. Medicaid fraud is the intentional, false claim on the medical assistance program by one who is providing or has been approved to provide medical services to recipients. As provided for in KRS 205.8469, the Attorney General, on behalf of the Commonwealth of Kentucky, has the authority to investigate and prosecute fraudulent activities brought to his attention. Examples of medicaid fraud include one who knowingly solicits or receives any remuneration (including any kickback, bribe, or rebate) for furnishing medical assistance benefits or in return for purchasing, ordering, or arranging for ordering any goods, facilities, or services for which payment may be made pursuant to Title XIX of the Social Security Act. It includes a person that unlawfully makes or receives payment, rebate of a fee or charge for referring a patient or client to another for furnishing of benefits. It means a person is not to enter into an agreement or conspiracy or aid another to obtain the payment or allowance of a fictitious, false or fraudulent claim. The Division also has a mandate under 42 CFR 1007 to investigate and prosecute or refer for prosecution, all cases of patient abuse, neglect and exploitation in health care facilities that receive medicaid funds.	Series contains: Investigative notes; subpoena; search warrants; witness statements; evidence; photographs; testimony from hearings; pleadings, motions, orders; copies of law, regulations; correspondence; printouts; statements from local, state, and federal officials, expert witnesses; physical evidence; attorney notes; court opinions; opening, closing statements	Agency: I	Records Center: 8	Archives Center:
				Transfer to the State Records Center two years after case closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Rate Intervention

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04311	Utility and Rate Litigation Case File (V)	This series documents the activities of cases where the Attorney General's Office intervenes on behalf of consumers in any case before a ratemaking body, with a particular emphasis on cases presented to the Public Service Commission (PSC). There are three primary types of cases represented by the division: 1) rate, 2) administrative, and 3) appeals. Rate cases are those where some type of utility company (water, telephone, electric, sewer, gas) has filed an application with PSC with an intent to increase rates. Examinations or audit-type reports are requested by expert consultants periodically to review the effects of a rate increase upon the consumer. This may result in a negotiated rate change/increase with a utility. The companies that may seek rate increases and be approved by PSC are investor-owned or privately-owned companies (anything PSC regulates). The PSC has no authority over municipally-owned utilities. Administrative cases often will affect all utilities of one type, or possibly all utility companies, dependent on the issue, e.g., taxes. All decisions of the PSC may be appealed to the Circuit Court.	Series contains: Application (of utility company); testimony of the utility and Utility and Rate Intervention Division witnesses; data requests and responses (of Utility and Rate Intervention and utility); motions and pleadings; Orders of the Public Service Commission and Courts; correspondence; and general correspondence	Agency: I	Records Center: 6	Archives Center:
				Transfer to the State Records Center two years after case closure		



# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Special Investigations

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04245	Investigations/Enforcement Case File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents investigative activity of the Investigations/Enforcement Unit. The file is created by the receipt of a citizen's complaint relating to some form of possible criminal activity, such as public corruption, vote fraud, or the sale or use of illegal drugs. Upon examination of the complaint, the investigator will gather information and evidence, and present it to a prosecutor (commonwealth's attorney, county attorney, or special prosecutor). The prosecutor will determine from the evidence available if violations have been committed and charges should be filed in the circuit courts. A copy of this file is given to the prosecutor. The assigned investigator will continue to work with the prosecutor, as needed.	Series contains: Complaint report (assignment of case number, name of investigator, date received, by whom; source of complaint, address, classification code-nature of complaint; subject of complaint; allegation statement; recommended action, open/close, reasons, date; signature of investigator and supervisor, date); investigative notes; search warrants; witness statements; evidence; photographs; correspondence from complainant; newspaper articles; cassette tapes (of interviews); copy of subpoenas	Agency: I	Records Center: 8	Archives Center:
				Transfer to the State Records Center two years after case closure		
04246	Welfare Fraud Investigative File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents the investigative activity of the Welfare Fraud Investigative Unit. The file is created from documented complaints screened by the Special Investigations Unit, Cabinet for Families and Children. The cabinet will initially review complaints received related to potential fraud of the welfare programs (Food Stamps; Aid to Families with Dependent Children; Women, Infant and Children Program; Medical Assistance; and Heating and Energy Assistance Program) to determine whether or not violations exist. The assigned investigator from the Welfare Fraud Unit gathers information, statements, and evidence and presents that to a special prosecutor who then must determine whether or not charges will be filed in the circuit courts. The unit will provide a synopsis to the cabinet when it has been determined if the violators will be prosecuted or not. The investigator has nine months to examine possible misuse of welfare assistance in order to determine whether or not charges will be filed, and violators prosecuted.	Series contains: Complaint report (assignment of case number, name of investigator, date received, by whom; source of complaint, address, classification code-nature of complaint; subject of complaint; allegation statement; recommended action, open/close, reasons, date; signature of investigator and supervisor, date); investigative notes; search warrants; witness statements; evidence; photographs; correspondence with cabinet/complainant; statements from cabinet field staff; computer printouts	Agency: I	Records Center: 8	Archives Center:
				Transfer to the State Records Center two years after case closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Special Prosecutions

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04312	Special Prosecutions Litigation/Investigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	This series documents prosecuting activities and investigations carried out by the Division, as provided for in KRS 15.190-240 and KRS 15.715. The Division assists prosecutors, including Commonwealths' attorneys and county attorneys, in complex or sensitive cases, handles cases in which the local prosecutor disqualifies himself (Disqualification/Appointment File - 04314), and prosecutes thefts from the Commonwealth by employees or elected officials. It assists the Attorney General in fulfilling his role as local prosecutor, representing the Commonwealth in circuit courts across the state. The agency prosecutes cases involving money, goods or services unlawfully taken from the state or by anyone receiving such unlawful compensation, or any theft from the State Treasury. It prosecutes election fraud, vote buying and selling, electioneering, abuse of special (absentee) ballots, improper voter assistance, and overall abuses of the voting process. The division also supports a team specializing in environmental law. It works to identify, investigate, and prosecute environmental crimes. Some investigations are initiated at the request of local law enforcement agencies which can include mayors, sheriffs, or city legislative bodies. *Cases between 1976-1982 are arranged numerically by case number.	Series contains: Investigative information; legal pleadings/motions; correspondence; Grand Jury transcripts; evidence; photographs; disqualification/appointment letter, if applicable	Agency: I	Records Center: 17	Archives Center:
				Transfer to the State Records Center three years after case closure		
04313	Special Prosecutions Permanent Case File - (Cases of historical significance, high profile-- corruption of public officials, capital punishment, precedent-setting) (C) KRS 61.878 (1)(h)(i)(j), CR 5.24 (V)	This series documents those special and/or historically significant cases of the Division that have been separated from the Special Prosecutions Litigation/Investigation File (04312) to be retained permanently. These are cases involving corruption of public officials or cases attracting such publicity that precedents are set, laws are changed, written, or rewritten, and capital punishment cases. One such example is the Carroll County bus crash in May, 1988 (Larry Mahoney case) where new laws have been written regarding intoxicated drivers, and school buses have been redesigned as a result. The case file is the same as the Special Prosecutions Litigation/Investigation File (04312), except this series is determined to identify cases that are unique, exceptional, or high profile for one reason or another, justifying a permanent retention.	Series contains: Investigative information; legal pleadings and motions; correspondence; Grand Jury transcripts; evidence, photographs; disqualification/appointment letter, if applicable	Agency: I	Records Center:	Archives Center: P
				Transfer to the State Archives Center five years after closure of case		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Special Prosecutions

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04314	Disqualification/Appoin tment File - (Documents the disqualification of a local prosecutor and the appointment of a special prosecutor)	This series documents the screening and requests for disqualification from a local prosecutor on a specific case, resulting in the appointment of a special prosecutor. A prosecuting attorney may disqualify himself in a proceeding due to a conflict of interest (a family member is involved in the case, a legal opinion was rendered in a capacity other than prosecuting attorney, have financial interest in the controversy, or been indicted on a felony charge), or he may be disqualified by the court in which the proceeding is pending upon a showing of prejudice. In the event that a prosecuting attorney disqualifies himself, he must make a request in writing to the Attorney General, asking that another prosecutor oversee the case. An appointment letter is generated upon acceptance of disqualification. Another Commonwealth's Attorney or County Attorney will be appointed and will assume jurisdiction for the case for which disqualification was sought.	Series contains: Letter of disqualification, possible supporting documentation; Attorney General's appointment letter; miscellaneous working notes, contacts to secure special prosecutor; other correspondence, possibly reflecting denial of disqualification	Agency: I	Records Center: 7	Archives Center:
				Transfer to the State Records Center three years after case closure		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Law  
Attorney General  
Victims' Advocacy

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04322	Victims' Advocate Case File (C) KRS 61.878 (1) (a) (V)	This series documents activities and correspondence with victims of various crimes across the state, particularly those involving domestic violence and (child) sexual abuse. The division provides support services to crime victims whose cases are handled by the Attorney General's Office or referred to it. An advocate may accompany victims, if they desire, to Kentucky Parole Board hearings, when the perpetrators become eligible for parole, and assist them in preparing impact statements. This series reflects phone calls or letters to the courts or local enforcement agencies on behalf of victims. It also verifies complaints or questions concerning the status of cases, impending court actions, or parole of inmates.	Series contains: Correspondence; phone messages; notes of conversations	Agency: 1	Records Center: 1	Archives Center:
				Transfer to the State Records Center two years after case closure		
04323	Victims' Advocacy Appellate Notification Case File Closed Date: 1/1/2000 (C) KRS 61.878 (1) (a) (V)	Closed Series: This series documented the notification to law enforcement officers and crime victims of activity with cases in the criminal appellate process. The crimes were felonies such as murder, sexual abuse, and burglary, not crimes involving drugs, driving under the influence, or child support. An assignment sheet or notification was sent to the Division from the Criminal Appellate Division each time some action took place, i.e., the perpetrator appealed, the name of the prosecutor changed, when and where oral arguments would take place, or decisions that were to be rendered. The Division provided the necessary information to the victims involved. It served as a crucial communication tool for victims.	Series contains: Victim's information form--name of prosecutor, defendant/case name, county, charge, victim's name, address, investigating officer, information regarding an appeal, the incarceration or release (on bond) of a perpetrator/inmate	Agency: 1	Records Center: 9	Archives Center:
				Transfer to the State Records Center three years after case closure		
04324	Child Victim's Trust Fund File (V)	This series documents the disbursement and expenditures of trust fund grants. It will reflect the plans and activities that a private nonprofit or public organization has for the funds. The Child Sexual Abuse and Exploitation Prevention Board administers the trust fund. The Board reviews applications for grants twice each year. It may accept federal funds granted by Congress, as well as gifts and donations from individuals, private organizations, or foundations. The Board's primary goal is the prevention of child abuse. Some criteria for qualifying for grant funds are: the development of a community prevention program in a specific geographical area, comprised of local law enforcement and social services representatives; and the ability of the program to match fifty percent of the amount of any trust fund money received, plus other criteria the Board deems appropriate. The Board has the authority to revoke grant funds.	Series contains: Grant application; contract; copy of the check; progress reports; final report; correspondence	Agency: 3	Records Center:	Archives Center:
				Destroy after audit		